

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Commissioner
 US Department of Commerce
 United States Patent and Trademark
 Office, PCT
 2011 South Clark Place Room
 CP2/5C24
 Arlington, VA 22202
 ETATS-UNIS D'AMERIQUE
 in its capacity as elected Office

Date of mailing (day/month/year) 17 May 2001 (17.05.01)	
International application No. PCT/CZ00/00064	Applicant's or agent's file reference S 11491
International filing date (day/month/year) 08 September 2000 (08.09.00)	Priority date (day/month/year) 08 September 1999 (08.09.99)
Applicant TREFIL, Pavel et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:
 12 March 2001 (12.03.01)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was
☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer R. Forax
Facsimile No.: (41-22) 740.14.35	Telephone No.: (41-22) 338.83.38

PATENT COOPERATION TREATY



From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

PATENTSERVIS PRAHA A.S.
Jivenska 1/1273
140 21 PRAHA 4
REPUBLIQUE TCHEQUE

PCT

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Rule 71.1)

Date of mailing (day/month/year)	05.10.2001
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Applicant's or agent's file reference S 11491	IMPORTANT NOTIFICATION
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International application No. PCT/CZ00/00064	International filing date (day/month/year) 08/09/2000	Priority date (day/month/year) 08/09/1999
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Applicant BIOPHARM, VYZKUMNY USTAV BIOFARMACIE A... et al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/	Authorized officer
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PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference S 11491	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/CZ00/00064	International filing date (day/month/year) 08/09/2000	Priority date (day/month/year) 08/09/1999
International Patent Classification (IPC) or national classification and IPC A01K67/027		
Applicant BIOPHARM, VYZKUMNY USTAV BIOFARMACIE A... et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.


2. This REPORT consists of a total of 5 sheets, including this cover sheet.

- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand 12/03/2001	Date of completion of this report 05.10.2001
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Page, M Telephone No. +49 89 2399 7322



**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/CZ00/00064

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17):*)

Description, pages:

1-12 as originally filed

Claims, No.:

1-3 as originally filed

Drawings, sheets:

1/12-12/12 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/CZ00/00064

- ☐ the drawings, sheets:
5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):
(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)
6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-3
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-3
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-3
	No:	Claims	

2. Citations and explanations see separate sheet

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:
see separate sheet

The application concerns the provision of a method for producing transgenic fowl using radiation-sterilised acceptor cocks.

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

V.1 Reference is made to the following documents:

- D1: BENOIT J ET AL: 'GREFFES INTERRACIALES DE TESTICULES CHEZ LES GALLINACES. TESTOTESTES FERTILES OBTENUS PAR GREFFE DE TESTICULES DE POUSSINS WYANDOTTE BLANC DANS LES TESTICULES STERILISES PAR LES RAYONS X DE COQS RHODE ISLAND RED' COMPTES RENDUS DES SEANCES DE LA SOCIETE DE BIOLOGIE ET DE SES FILIALES, XX, XX, vol. 162, no. 4, 23 November 1968 (1968-11-23), pages 838-842, XP000998009 ISSN: 0037-9026
- D2: BRINSTER R L ET AL: 'SPERMATOGENESIS FOLLOWING MALE GERM-CELL TRANSPLANTATION' PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES OF USA, NATIONAL ACADEMY OF SCIENCE. WASHINGTON, US, vol. 91, November 1994 (1994-11), pages 11298-11302, XP000993002 ISSN: 0027-8424
- D3: BRINSTER R L ET AL: 'GERMLINE TRANSMISSION OF DONOR HAPLOTYPE FOLLOWING SPERMATOGONIAL TRANSPLANTATION' PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES OF USA, NATIONAL ACADEMY OF SCIENCE. WASHINGTON, US, vol. 91, November 1994 (1994-11), pages 11303-11307, XP000993003 ISSN: 0027-8424 cited in the application
- D4: VICK L ET AL: 'GERM-LINE CHIMERAS CAN PRODUCE BOTH STRAINS OF FOWL WITH HIGH EFFICIENCY AFTER PARTIAL STERILIZATION' JOURNAL OF REPRODUCTION AND FERTILITY, JOURNALS OF REPRODUCTION AND FERTILITY LTD, GB, vol. 98, no. 2, July 1993 (1993-07), pages 637-641, XP000998004 ISSN: 0022-4251
- D5: VICK L ET AL: 'TRANSGENIC BIRDS FROM TRANSFORMED PRIMORDIAL GERM CELLS' PROCEEDINGS OF THE ROYAL SOCIETY OF EDINBURGH. SECTION B, BIOLOGICAL SCIENCES, ROYAL SOCIETY OF EDINBURGH,

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/CZ00/00064

EDINBURGH, GB, vol. 251, no. 1332, 22 March 1993 (1993-03-22), pages 179-182, XP000997980 ISSN: 0269-7270

V.2 Novelty and Inventive Step- Art.33(1) - (3) PCT:

- V.2.1 Claims 1-3 appear to be novel and inventive in light of the cited prior art. D1 discloses the radiation sterilisation of cocks to be transplanted with the gonads of donor cocks, but not to accept modified sperm. D2 and D3 teach that chemically sterilised mice can be made fertile through the injection of germ cells from foreign mice. D4 teaches the partial chemical sterilisation of fowl followed by the injection of avian primordial germ cells. D5 teaches the use of avian retroviruses to transform spermatocytes in the generation of transgenic fowl. However, nothing in the prior art motivates the skilled person to combine these teachings in order to generate transgenic fowl in the manner provided by the application.

Re Item VIII

Certain observations on the international application

- VIII.1 For the sake of clarity, the wording of **claim 3** be altered to read "said acceptor cock" (Articles 6 and 34(4)(a)(i) PCT).

PATENT COOPERATION TREATY

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INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference S 11491	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/CZ 00/ 00064	International filing date (day/month/year) 08/09/2000	(Earliest) Priority Date (day/month/year) 08/09/1999
Applicant BIOPHARM, VYZKUMNY USTAV BIOFARMACIE A...		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 4 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☐ the text is approved as submitted by the applicant.

☒ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

☐ as suggested by the applicant.

☒ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

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☐ None of the figures.

B x III TEXT OF THE ABSTRACT (Continuation of item 5 of the first sheet)

A method of transgenic fowl construction using germline spermatogonial cells for transfer of genetic information in fowl strain, which method is carried out so that the testicles only of an acceptor cock are irradiated with gamma rays up to the absorbed dose 8 Gy in one irradiation repeatedly and externally. Thereby, the original germline spermatogonial cells in the testicles of the acceptor cock are destroyed, which acceptor cock is then not able to produce sperms, whereby, the testicles structure, including the Sertoli's and Leydig's cells remains preserved for implantation of foreign germline spermatogonial cells of a donor cock. The new implanted germline spermatogonial cells then continue in production of sperms. The sperms are able to fertilize and that store all genetic information of the germline spermatogonial cells of the donor cock. The implantation is carried out after 50 days and more after the last irradiation.

INTERNATIONAL SEARCH REPORT

International Application No

T/CZ 00/00064

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 A01K67/027

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A01K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, BIOSIS

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	<p>BENOIT J ET AL: "GREFFES INTERRACIALES DE TESTICULES CHEZ LES GALLINACES. TESTOTESTES FERTILES OBTENUS PAR GREFFE DE TESTICULES DE POUSSINS WYANDOTTE BLANC DANS LES TESTICULES STERILISES PAR LES RAYONS X DE COQS RHODE ISLAND RED" COMPTES RENDUS DES SEANCES DE LA SOCIETE DE BIOLOGIE ET DE SES FILIALES, XX, XX, vol. 162, no. 4, 23 November 1968 (1968-11-23), pages 838-842, XP000998009 ISSN: 0037-9026 page 839, paragraph 4 -page 840</p> <p>---</p> <p>-/--</p>	1

☒ Further documents are listed in the continuation of box C.

☐ Patent family members are listed in annex.

° Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *Z* document member of the same patent family

Date of the actual completion of the international search

23 August 2001

Date of mailing of the international search report

03/09/2001

Name and mailing address of the ISA

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Authorized officer

Chambonnet, F

International Application No

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

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INTERNATIONAL SEARCH REPORT

International Application No

T/CZ 00/00064

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	WISHART G J ET AL: "EFFECT OF GAMMA-RADIATION ON FOWL SPERM FUNCTION IN VITRO AND IN VIVO" JOURNAL OF REPRODUCTION AND FERTILITY, JOURNALS OF REPRODUCTION AND FERTILITY LTD, GB, vol. 75, no. 2, November 1985 (1985-11), pages 617-622, XP000998034 ISSN: 0022-4251 the whole document	1
A	VICK L ET AL: "TRANSGENIC BIRDS FROM TRANSFORMED PRIMORDIAL GERM CELLS" PROCEEDINGS OF THE ROYAL SOCIETY OF EDINBURGH. SECTION B, BIOLOGICAL SCIENCES, ROYAL SOCIETY OF EDINBURGH, EDINBURGH, GB, vol. 251, no. 1332, 22 March 1993 (1993-03-22), pages 179-182, XP000997980 ISSN: 0269-7270 page 182, column 1, paragraph 2	1